

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
2 Alex Spiro (admitted *pro hac vice*)
3 alexspiro@quinnemanuel.com
4 51 Madison Avenue, 22nd Floor
New York, New York 10010
Telephone: (212) 849-7000

5 QUINN EMANUEL URQUHART & SULLIVAN, LLP
6 Robert M. Schwartz (Bar No. 117166)
7 robertschwartz@quinnemanuel.com
8 Michael T. Lifrak (Bar No. 210846)
9 michaelifrak@quinnemanuel.com
10 Jeanine M. Zalduendo (Bar No. 243374)
11 jeaninezalduendo@quinnemanuel.com
12 865 South Figueroa Street, 10th Floor
13 Los Angeles, California 90017-2543
14 Telephone: (213) 443-3000

15 *Attorneys for Defendant Elon Musk*

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

15 VERNON UNSWORTH,

16 Plaintiff,

17 vs.

18 ELON MUSK,

19 Defendant.

Case No. 2:18-cv-08048

Judge: Hon. Stephen V. Wilson

**OMNIBUS DECLARATION OF
MICHAEL T. LIFRAK IN SUPPORT
OF DEFENDANT'S MOTIONS IN
LIMINE**

Complaint Filed: September 17, 2018

Trial Date: December 2, 2019

1 **I, Michael T. Lifrak, declare as follows:**

2 1. I am a member of the bar of the State of California and a partner at
3 Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for Defendant Elon Musk. I
4 make this declaration of personal, firsthand knowledge, and if called and sworn as a
5 witness, I could and would testify competently thereto.

6 2. I submit this omnibus declaration in support of Mr. Musk's Motions in
7 Limine.

8 3. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from
9 the August 22, 2019 deposition of Elon Musk in this case.

10 4. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from
11 the September 10, 2019 deposition of Jared Birchall in this case.

12 5. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from
13 the September 30, 2019 deposition of Sam Teller in this case.

14 6. Attached hereto as **Exhibit 4** is a true and correct copy of Mr. Musk's
15 August 7, 2018 tweet.

16 7. Attached hereto as **Exhibit 5** is a true and correct copy of October 26,
17 2018 tweet.

18
19 I declare under penalty of perjury under the laws of the State of California that
20 the foregoing is true and correct and that this document was executed in Los
21 Angeles, California.

22
23 DATED: November 4, 2019

24
25 By 

26 Michael T. Lifrak
27
28

EXHIBIT 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VERNON UNSWORTH,

Plaintiff,

vs.

Case No. 2:18-cv-8048

ELON MUSK,

Defendant.

_____/

VIDEOTAPED DEPOSITION OF
ELON REEVE MUSK
BEVERLY HILLS, CALIFORNIA
AUGUST 22, 2019

Reported By:
PATRICIA Y. SCHULER, CSR No. 11949

Job No.: 45176

ELON REEVE MUSK

August 22, 2019

1 **A. Yes.**

2 Q. Then you get the 420 going private; have
3 financing arranged. That was a problem, wasn't it?
4 That was in August?

5 **A. Okay.**

6 Q. And the rescue's kind of sandwiched in
7 between those very real problems you were having at
8 Tesla and then the problems created by your tweet
9 about going private at 420, right?

10 **A. Last year was a bad year.**

11 Q. For you?

12 **A. Yeah, probably worst ever.**

13 Q. I mean, you said some things that were
14 just totally inappropriate publicly, didn't you,
15 sir?

16 **A. Certainly I've made some statements I**
17 **regret; no question.**

18 Q. And one of those statement was your
19 references to Mr. Unsworth as a pedo guy?

20 **A. Yes.**

21 Q. And then the SEC got you, and you had to
22 pay a \$20-million fine.

23 MR. SPIRO: Objection; relevance.

24 BY MR. WOOD:

25 Q. Right? You had to pay a \$20 million

ELON REEVE MUSK

August 22, 2019

1 fine?

2 MR. SPIRO: He can answer that question
3 about the fine. It's vague.

4 BY MR. WOOD:

5 Q. I am asking.

6 A. Yes, I paid a \$20 million fine.

7 Q. And you publicly said about that
8 20 million fine that it was related to your tweet,
9 right?

10 A. Yes.

11 Q. You --

12 A. There will be more on that at some point.

13 Q. I'm sorry? I'm sorry. What did you say?
14 There will be more on that at some point? What did
15 you mean by that? The SEC matter?

16 A. Let's move on to your next question.

17 Q. I'm just trying to figure out what you
18 said on the record. I didn't understand.

19 A. I have no further comment.

20 Q. You wish you hadn't said that, don't you?

21 A. I have no further comment.

22 MR. WOOD: 42?

23 THE REPORTER: 3.

24 MR. WOOD: 43.

25 (Exhibit 43 was marked for

ELON REEVE MUSK

August 22, 2019

1 identification.)

2 BY MR. WOOD:

3 Q. You see Exhibit No. 43? You see
4 Exhibit No. 43?

5 A. Yes.

6 Q. And somebody named James Patten.
7 Do you know Mr. Patten?

8 A. No.

9 Q. Says "How about that one that cost you
10 \$20 million. 20 million. How is the like ratio on
11 that one?"

12 Have I read that correctly?

13 A. Yes.

14 Q. And you wrote back and said what?

15 A. "Worth it, yeah."

16 Q. Worth it?

17 A. Worth it.

18 Q. It was worth the 20 million?

19 A. Yes.

20 Q. Back to Exhibit 43. Take a moment if you
21 would and look through Exhibit 43. My first
22 question would be is whether you are familiar with
23 that document.

24 MR. SPIRO: I don't know if he's on the
25 right --

ELON REEVE MUSK

August 22, 2019

1 **going on.**

2 Q. The expert as you called him?

3 **A. Yes.**

4 Q. Did you have any text communications with
5 Mr. Birchall? Do you ever text him?

6 **A. Yeah, I've -- mostly we email but**
7 **sometimes text, sure.**

8 Q. And do you use WhatsApp?

9 **A. No.**

10 Q. Just Apple Messenger?

11 **A. Yeah, and email.**

12 Q. And what is your retention policy with
13 respect to your telephone; your cell phone?

14 MR. SPIRO: If you know.

15 MR. WOOD: Is that an objection or just
16 coaching the witness?

17 MR. SPIRO: No. It is not coaching the
18 witness.

19 MR. WOOD: I think he knows that he's
20 supposed to answer a question if he knows the
21 answer.

22 MR. SPIRO: But his retention policy he
23 may not know.

24 BY MR. WOOD:

25 Q. Oh, okay. Okay.

ELON REEVE MUSK

August 22, 2019

1 Do you know what a retention policy is?

2 **A. You mean a corporate retention policy?**

3 Q. Yeah.

4 **A. Yeah.**

5 Q. Okay. That's what I am talking about.

6 Do you have a corporate retention policy?

7 Is your phone owned by you personally, or is it
8 provided by the corporation?

9 **A. It's owned by me.**

10 Q. And do you have any type of a policy that
11 you follow in terms of when you destroy your phones
12 or whether you preserve your phone information?

13 **A. The information is stored centrally.**
14 **It's not local on the phone.**

15 Q. So even though -- somebody told me I
16 believe -- maybe it was something I read about.
17 Your lawyer said you periodically change phones?

18 **A. I mean, I upgrade my phone or it gets**
19 **damaged.**

20 Q. When was the last time you switched
21 phones?

22 **A. When I got the -- I'm not sure.**

23 Q. Over a year ago?

24 **A. No. Maybe it was three months ago.**
25 **Whenever the new Apple phone came out.**

ELON REEVE MUSK

August 22, 2019

1 Q. And what did you do with the old --

2 A. Sorry. Generally, if I travel to China
3 they have to give me a new phone because they're
4 worried about hacking or something.

5 Q. And what did you do with the old phone
6 when you switched to the new Apple?

7 A. My phones are generally wiped and --
8 wiped and then that's it.

9 Q. So the phone that you would have been
10 using back during the relevant time period of July
11 and August, maybe early September of 2018 -- has it
12 been wiped?

13 A. Yeah, it would have, yeah.

14 Q. When?

15 A. I don't know.

16 Q. After this lawsuit was filed in
17 September, did you wipe any of your phones?

18 A. Wiping. It doesn't really matter --

19 Q. Just a question. Did you wipe any of
20 your phones after this lawsuit was filed in
21 September of 2018?

22 A. I have new phones, but the iMessage and
23 email are stored centrally.

24 Q. Thank you. Did you wipe your phone after
25 September 2018?

ELON REEVE MUSK

August 22, 2019

1 **A. My phones are -- I have new phones. I**
2 **actually don't even know where the old phones are.**
3 **I didn't wipe anything. I don't know. I didn't**
4 **wipe anything, but I don't know where the phones**
5 **are.**

6 Q. Who would handle that for you?

7 **A. SpaceX or Tesla IT usually.**

8 Q. But you testified very clearly that even
9 if it was wiped, all of the data on it would be
10 centrally stored?

11 **A. Yes, I believe so.**

12 Q. Where?

13 **A. Well, Apple stores iMessages, and the**
14 **email is store at SpaceX and Tesla.**

15 Q. So you've got iCloud, SpaceX, and Tesla,
16 that between the three of them you believe would
17 have preserved anything that was on your phone?

18 **A. I think so.**

19 MR. WOOD: You want to give me about five
20 minutes here off the -- let me have some time alone
21 with my guys.

22 MR. SPIRO: Yeah.

23 THE VIDEOGRAPHER: We are going off the
24 record at 5:06 p.m.

25 (Recess taken.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, ELON MUSK, do hereby declare under the penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this 5th day of September,
2019, at Los Angeles, California.
(City) (State)

A handwritten signature in black ink, appearing to be 'ELON MUSK', is written over a horizontal line.

ELON MUSK

ELON REEVE MUSK

August 22, 2019

1 I, PATRICIA Y. SCHULER, a Certified
2 Shorthand Reporter of the State of California, do
3 hereby certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a
8 verbatim record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is a true record of the testimony given.

12 Further, that if the foregoing pertains
13 to the original transcript of a deposition in a
14 Federal Case, before completion of the proceedings,
15 review of the transcript [X] was [] was not
16 requested.

17 I further certify I am neither
18 financially interested in the action nor a relative
19 or employee of any attorney of party to this
20 action.

21 IN WITNESS WHEREOF, I have this date
22 subscribed my name.

23 Dated: August 26th, 2019.

24

Patricia Y. Schuler

25

PATRICIA Y. SCHULER, CSR NO. 11949

8/20/2019

(4) James Patten on Twitter: "@elonmusk @DigitalDunzey How about that one that cost you 20M, how was the 'like' ratio on that one?" / ...

**Elon Musk**  @elonmusk · Oct 26, 2018

On Twitter, likes are rare & criticism is brutal. So hardcore. It's great.

3.4K 15.4K 166.4K

DigitalNuggets @DigitalDunzey · Oct 26, 2018

Likes are rare *gets 19k likes*

9 4 384

Elon Musk  @elonmusk · Oct 26, 2018

On Insta, 10% of followers like even lame posts. On Twitter, good posts get

 **Tweet****James Patten**

@yames51

Replying to @elonmusk and @DigitalDunzey

How about that one that cost you 20M, how was the 'like' ratio on that one?

10:38 PM · Oct 26, 2018 · Twitter for Android

15 Retweets 164 Likes

**Elon Musk**  @elonmusk · Oct 26, 2018

Replying to @yames51 and @DigitalDunzey

Worth it

85 259 3.1K

Brian Cox @FomoFever · Oct 27, 2018

Replying to @yames51 @elonmusk and @DigitalDunzey

He's saving the world. Bow down and show some respect.

1

James Patten @yames51 · Oct 27, 2018

Ha it was a joke Mr Cox - cool your jets

1

Gregory Makles @GregoryMakles · Oct 27, 2018

8/20/2019

(4) James Patten on Twitter: "@elonmusk @DigitalDunzey How about that one that cost you 20M, how was the 'like' ratio on that one?" / ...



Replying to @yames51 @elonmusk and @DigitalDunzey

The Tesla buying passion is very real. You can spend hundred of millions in ad and never get that level for your brand. Your math are off. Elon Musk understood something about rockstar CEO that eludes you.



Equity Justice @Meowwch · Oct 27, 2018

Replying to @yames51 @elonmusk and @DigitalDunzey

Kick in the teeth...



Fin bish @FinOObish · Oct 26, 2018

Replying to @yames51 @elonmusk and @DigitalDunzey

I think it was more like \$40M. Unless of course @elonmusk is making shit up again....



1



Jeremiah Krakowski @JeremyKraK · Oct 27, 2018

Tesla paid 20 and musk paid 20



1



Nick Thorsch @NickThorsch · Oct 29, 2018

Hindsight is 20 20



This Tweet is unavailable

This Tweet is unavailable

Show more replies

EXHIBIT 2

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VERNON UNSWORTH,

Plaintiff,

vs.

Case No. 2:18-cv-8048-svw

ELON MUSK,

Defendant.

_____/

VIDEOTAPED DEPOSITION OF
JARED JOHN BIRCHALL
LOS ANGELES, CALIFORNIA
SEPTEMBER 10, 2019

Reported By:
PATRICIA Y. SCHULER, CSR No. 11949

Job No.: 45748

JARED JOHN BIRCHALL

September 10, 2019

1 Exhibit 66.

2 Are you familiar with that email
3 exchange?

4 **A. Yes.**

5 Q. Chain.

6 And did you review that yesterday?

7 **A. Yes.**

8 Q. And this is another email that you had
9 yourself compiled from your search back several
10 weeks ago, right?

11 **A. Correct.**

12 Q. Now, on the 28th, Mr. Howard is providing
13 you with additional information about Mr. Musk. I
14 mean, about Mr. Unsworth, but not information about
15 the age of Tik when they met, true?

16 **A. Yeah. I don't see anything talking about
17 age here.**

18 Q. And you write back, and say "Thank you
19 for this information," right?

20 **A. Yes, I did.**

21 Q. And then you say "We would like you to
22 immediately move forward with "leaking" this
23 information to the UK press. Obviously must be
24 done very carefully."

25 Have I read that correctly?

JARED JOHN BIRCHALL

September 10, 2019

1 **A. Correct.**

2 Q. The "we" is you and Mr. Musk, true?

3 **A. Yes.**

4 Q. Mr. Musk wanted this information leaked
5 to the UK press, true?

6 **A. I believe so, yes.**

7 Q. In fact it was his idea, because this was
8 an area outside of your life's experience dealing
9 with the press.

10 Mr. Musk was the one that said -- when
11 you gave him the information, said "Hey, let's get
12 it leaked to the UK press," true?

13 MR. SPIRO: Objection; form.

14 BY MR. L. WOOD:

15 Q. True?

16 **A. It was James Howard's idea.**

17 Q. No. "We would like you to immediately
18 move forward with leaking this information to the
19 UK press."

20 That is you and Mr. Musk, right?

21 **A. In this in correspondence. There was**
22 **prior correspondence where he was the one that**
23 **initiated the idea of using the press to balance**
24 **the scales in this.**

25 MR. SPIRO: "He" meaning who?

JARED JOHN BIRCHALL

September 10, 2019

1 **THE WITNESS: James Howard.**

2 BY MR. L. WOOD:

3 Q. And that was in writing --

4 A. Uh --

5 Q. You said in correspondence -- prior
6 correspondence he was the one that initiated the
7 idea of using the press to balance the scales?

8 A. I can't clearly state whether it was in
9 writing or not. I would have to go back and look,
10 but he clearly was the one that initiated that
11 idea.

12 Q. Aside for the moment who initiated the
13 idea --

14 A. Um-hmm.

15 Q. -- let's assume that it was Mr. Howard as
16 you said.

17 A. Okay.

18 Q. You and Elon Musk said "Yes, go ahead and
19 leak it," right?

20 A. Yes.

21 Q. You knew it was going -- you said "We
22 agree to it," and Mr. Musk said that "I agree to it
23 being leaked," right?

24 A. Yes.

25 Q. And who -- whose idea was it where you

JARED JOHN BIRCHALL

September 10, 2019

1 give the -- you give the bullet points for
2 what's -- is to be leaked, right?

3 **A. Yes.**

4 Q. Now, on this date, the bullet point 4
5 says "He eventually woman 30 years his minor."

6 **A. Right.**

7 Q. Was that meant to say "He eventually
8 married a woman 30 years his minor"?

9 **A. I mean, that would make more sense.**

10 Q. You wrote it.

11 **A. I believe so.**

12 Q. "Whom he met while she was a teenager,"
13 right?

14 **A. Correct.**

15 Q. This is in response to him having
16 informed you on the prior email, No. 65, that he
17 was dating the time of their meeting at 18 to 19
18 years of age, right?

19 **A. I believe so.**

20 Q. But you didn't say that "Met while she
21 was a teenager; 18 or 19." You didn't say "Met
22 while she was a teenager, 12 or 13." You just left
23 it vague. "Whom he met while she was a teenager"?
24 Right?

25 **A. Both are teenagers.**

JARED JOHN BIRCHALL

September 10, 2019

1 Q. But you were contemplating in your mind's
2 eye the information you had just gotten from him
3 that she was 18 or 19 when you said that she was a
4 teenager, true?

5 A. Yeah. I mean, it's hard for me to go
6 back to that moment in time and -- and recreate it,
7 but I'm assuming that that's what I was referring
8 to when I said she was a teenager.

9 Q. 18 or 19, right? Right?

10 A. I'm sorry?

11 Q. 18 or 19, right? Right?

12 A. I mean -- she -- that she was a teenager
13 by definition was that I was trying to convey
14 there.

15 I wasn't trying to say 18 or 19. I was
16 just trying to say that she was a teenager.

17 Q. You don't consider a 12- or 13-year-old
18 to be a teenager, do you?

19 A. 13 is a teenager.

20 Q. Is 12?

21 A. No.

22 Q. Now, what did you mean when you said
23 "Share the facts, and as you said, that should be
24 enough for a story."

25 A. What did I mean by that?

JARED JOHN BIRCHALL

September 10, 2019

1 Q. Yeah. "Share the facts" --

2 A. As you said --

3 Q. Meaning, share these facts with the
4 media, right? That you bullet point above?

5 A. Yeah, I mean, let's see here. I'm
6 clearly responding to something that he said.

7 Q. Well, you're responding to his email
8 below. "Thank you for this information."

9 And then you say "We'd like to move
10 forward with leaking the information to the UK
11 press," which you say is an idea that he had raised
12 with you, right?

13 A. Correct.

14 Q. "Obviously must be done very carefully."
15 And then you say "The line of thinking at this
16 point is as follows." And is that then the facts
17 that you wanted -- you and Mr. Musk had agreed
18 should be leaked to the UK press?

19 A. Yeah, what I'm questioning in my mind is
20 was there a phone conversation in between what he
21 and what I sent, which would have been me referring
22 to the facts that he said. I don't know.

23 Q. Mr. Musk may have had input in
24 collaborations, discussions with you about what
25 facts or information were going to be shared in the

JARED JOHN BIRCHALL

September 10, 2019

1 media leaks, true?

2 **A. May have.**

3 Q. Yes. You don't deny that he did, do you?

4 **A. Yeah, I mean, I don't know to what**
5 **extent, but he may have had some input on that.**

6 Q. Wouldn't that be consistent with how you
7 all were collaborating about going back and forth
8 in your discussions with Mr. Howard?

9 **A. Typically.**

10 Q. And then it says "Share the facts, and as
11 you said, that should be enough for a story."

12 I've read that correctly, right?

13 **A. That is correct.**

14 Q. Then you go to say "But we'd like to make
15 this happen immediately."

16 Have I read that correctly?

17 **A. Yes.**

18 Q. And you are saying there what you knew is
19 that you and Mr. Musk did want these leaks to
20 happen immediately, true?

21 **A. Yes.**

22 MR. L. WOOD: Why don't we get the lunch
23 and take a five-minute break.

24 THE VIDEOGRAPHER: We are going off the
25 record at 12:04 p.m.

JARED JOHN BIRCHALL

September 10, 2019

1 (Recess taken.)

2 THE VIDEOGRAPHER: And we are back on the
3 record at 12:15 p.m.

4 (Exhibit 67 was marked for
5 identification.)

6 BY MR. L. WOOD:

7 Q. The next number is 67. I have handed you
8 what's been marked for purposes of
9 identification --

10 MR. L. WOOD: Are we back on the record?

11 THE VIDEOGRAPHER: Yes.

12 BY MR. L. WOOD

13 Q. Handed you what's been marked for
14 purposes of identification to your deposition as
15 Exhibit 67, which was an exhibit that looks like it
16 is text messages.

17 Are you familiar with that document?

18 **A. Yes.**

19 Q. When did you last see it?

20 **A. Yesterday when meeting with Alex.**

21 Q. And this is representative of what?

22 **A. The text messages involving this matter.**

23 Q. Between you and Mr. Howard?

24 **A. Yes.**

25 Q. And what was your phone number that --

JARED JOHN BIRCHALL

September 10, 2019

1 and to the extent we need to redact this, we will.

2 What was the phone number you were
3 texting from?

4 **A. (661)607-1188.**

5 Q. Is that still your cell number?

6 **A. Correct.**

7 Q. And who is your carrier; who is your
8 provider?

9 **A. Verizon.**

10 Q. Was that the phone provided by one of the
11 Musk companies?

12 **A. No. That is my personal phone.**

13 Q. Why did you choose to use -- do you have
14 a business phone?

15 **A. No.**

16 Q. So that's your only phone for business
17 and for personal?

18 **A. Correct.**

19 Q. And do you back it up? iPhone Cloud,
20 Cloud, iCloud?

21 **A. I assume there is some element. I mean,**
22 **I know my photos are.**

23 Q. But you maintained all texts that were
24 relevant to this issue?

25 **A. Absolutely.**

JARED JOHN BIRCHALL

September 10, 2019

1 Q. You have not deleted anything, right?

2 A. Right. No.

3 Q. So looking at the 28th at 9:55, it looks
4 like Mr. Howard says "Jim, are you free for a
5 conversation"?

6 And you write back in ten minutes, and
7 you say "Now works," right?

8 A. Correct.

9 Q. And then he asked you for more money.
10 Can you authorize a further 12,000 U.S. dollars to
11 expedite the second stages of the project as
12 discussed?

13 A. Yes, I see that.

14 Q. And you said "Yes, we can get it out
15 tomorrow. What is the timeline?" Right?

16 A. Um-hmm.

17 Q. He says "Jim, timeline is ASAP. I am
18 meeting Mike at 0800 GMT to begin the process. It
19 has to appear organic and not contrived."

20 Did you understand him to be referring to
21 the media leaks?

22 A. Yes. Something involving the media,
23 yeah.

24 Q. "Priority is to divert the story away
25 from the principal."

JARED JOHN BIRCHALL

September 10, 2019

1 That would be referring to Elon Musk,
2 right?

3 **A. Yup.**

4 Q. "Priority is to divert the story away
5 from the principal, and let the UK tabloids develop
6 their story."

7 Hoping to get a story about
8 Vernon Unsworth, right?

9 **A. Correct.**

10 Q. "And an unflattering story," true?

11 **A. Right. Just wherever the cards would**
12 **fall in investigative work, gathering information**
13 **and -- but yes, something that would be -- would**
14 **have people question the motive for being in**
15 **Thailand.**

16 Q. And raise the possibility of sexual
17 misconduct, including pedophilia?

18 **A. I mean, that would be among the things**
19 **that people would question, I would assume, yes.**

20 Q. And you wanted that story to be
21 published, and Mr. Musk wanted it to be published
22 too. True?

23 **A. When you say "that story." I mean,**
24 **it's --**

25 Q. Well, the points that you all talked

JARED JOHN BIRCHALL

September 10, 2019

1 about on Exhibit 66.

2 A. Yeah.

3 Q. That's what you were talking about,
4 right?

5 A. Yeah, I mean, in general you have someone
6 who has disrupted many industries, and you as a
7 result has many people who seek to discredit him,
8 and therefore any data point, good or bad, is blown
9 extremely out of proportion in the media, and
10 therefore, you know, my instinct to protect was
11 that we needed to somehow balance, because there
12 was a clear imbalance in what was in the media.

13 Q. The imbalance being Elon Musk was looking
14 very bad?

15 A. 100 percent negative towards --

16 Q. And Unsworth was looking very good as a
17 victim?

18 A. It was all negative -- or a lot of it was
19 negative toward Elon.

20 Q. And you wanted to shift the balance to
21 have more negative about Vernon Unsworth.

22 A. To have a more balanced view. If there
23 was information to be found, part of it was to
24 encourage investigative reporting to do, you know,
25 part of the lifting here.

JARED JOHN BIRCHALL

September 10, 2019

1 Q. Given what you've told me about your
2 background and experience, had you ever been
3 involved in any type of activity like this before
4 where you would send out information to a number of
5 the media to try to get them to investigate and
6 publish a story related to the information you were
7 providing them?

8 A. No.

9 Q. Had Mr. Musk?

10 A. I have no idea.

11 Q. And your -- you want it to get out soon,
12 don't you?

13 A. That's what it says.

14 Q. And he says "It's a hit-and-miss. The
15 Sunday papers may be the best bet. Timing is good.
16 There's not much else of any significance that's
17 happening right now. I'll call and update you this
18 evening."

19 And then you write "A big part of this is
20 the willingness to recognize the fact that Thailand
21 is the capital of pedophilia," correct?

22 A. Yeah, right.

23 Q. And then you share a story about Jared,
24 the Subway sandwich spokesman, right?

25 A. Yes.

JARED JOHN BIRCHALL

September 10, 2019

1 Q. How did you know about that story? Did
2 Mr. Musk tell you?

3 A. I'm guessing that I google-searched it in
4 getting wrapped up in all of this.

5 Q. Did Mr. Musk suggest to you "Hey, remind
6 him about Jared, the Subway sandwich spokesman that
7 went to Thailand"?

8 A. Not that I recall.

9 Q. Do you deny that he did?

10 A. I don't recall him telling me that.

11 Q. Is your recollection sufficient on that
12 issue that you are comfortable denying that he told
13 you that under oath?

14 A. I believe I just chose to share that.

15 Q. What were you saying -- "I'm told people
16 regularly disappear when found exposing the "Land
17 of Smiles"?

18 Who told that you people regularly
19 disappear when found exposing the "Land of Smiles"?

20 A. I had a close friend who worked in the
21 Department of Defense for five years in Thailand,
22 and he shared this information with me.

23 Q. Tell me his name.

24 A. Shawn Crain.

25 Q. Where is he employed?

JARED JOHN BIRCHALL

September 10, 2019

1 **A. Oklahoma City.**

2 Q. When did you have a discussion with him
3 about Thailand and the "Land of Smiles" where
4 people disappear?

5 **A. I don't know the date, but it would have**
6 **been obviously within the -- probably latter**
7 **part -- either latter part of August or first part**
8 **of -- well, it would have had to have been the**
9 **latter part of August.**

10 Q. How many times did you discuss this
11 with -- was it Mr. Brain?

12 **A. No, Crane.**

13 Q. I was just looking at the realtime.
14 C-R-A-N-E?

15 **A. No, C-R-A-I-N.**

16 Q. And he is employed with Oklahoma City?

17 **A. No, no. You asked where he is employed.**
18 **He is employed in Oklahoma City. He owns his own**
19 **company.**

20 Q. What his company?

21 **A. Orion Security.**

22 Q. Somebody you have known for how long?

23 **A. 25 years.**

24 Q. How many times did you discuss with him
25 the investigation that was being undertaken by

JARED JOHN BIRCHALL

September 10, 2019

1 Mr. Howard?

2 **A. I never discussed that investigation.**

3 Q. How many times did you discuss with him
4 questions about Thailand, sexual activities in
5 Thailand, or pedophilia in Thailand?

6 **A. I recall having one conversation with him**
7 **where I asked him about his experience in Thailand**
8 **and what, you know, the truthfulness of this**
9 **activity is in that area.**

10 Q. What did he tell you?

11 **A. What I reflected here in this -- in this**
12 **text.**

13 Q. So you were the source for this
14 information given to Mr. Howard, and your source
15 for the information was Mr. Crain?

16 **A. Yes. I mean, to say that he was my**
17 **exclusive source for compiling this, I -- he may**
18 **have been, but certainly some of that information**
19 **that I shared there would have been shared -- would**
20 **have been derived from him.**

21 Q. Mr. Crain?

22 **A. Correct.**

23 Q. And if you look at the next page -- and
24 if you don't mind, it's very hard for me to read.
25 I think I can, but if you will take a look at

JARED JOHN BIRCHALL

September 10, 2019

1 Bates 0201.

2 Are you with me?

3 **A. Yes, I'm looking at it.**

4 Q. And then compare 66 with the bullet
5 points.

6 **A. Yes.**

7 Q. Am I correct that Mr. Howard is sending
8 to the Sun News in the UK almost -- almost
9 verbatim, the bullet points that are reflected in
10 Exhibit 66 under "The line of thinking at this
11 point is as follows"?

12 **A. Yeah. Yes; very similar.**

13 Q. So when you say that you and Mr. Musk
14 agreed that this information could be leaked,
15 you -- you both wanted it published to, as you say,
16 balance the scales of the coverage, right?

17 **A. Yes.**

18 Q. You weren't -- you weren't literally or
19 anticipating or expecting it to be published. You
20 wanted it published, true? You and Mr. Musk?

21 **A. I'm not sure the difference between them.**

22 Q. There may not be any. The fact of the
23 matter is you and Elon Musk wanted this information
24 contained in Exhibit 66 and forwarded to the Sun as
25 reflected on Exhibit 67, you and Mr. Musk wanted

JARED JOHN BIRCHALL

September 10, 2019

1 this information to be public; to be written about
2 by the media, true?

3 **A. Yes.**

4 Q. And then on the next page it appears that
5 Mr. -- and correct me if I'm wrong -- it appears
6 that Mr. Howard is telling you that he has now
7 reached out to Mick Smith at the Daily Mail.

8 And he has a little text exchange with
9 Mr. Smith above, right?

10 **A. Yes.**

11 Q. And did you understand that that was
12 telling you in essence that "I've given the same
13 information to Mr. Smith that I gave to the Sun.
14 They're interested, but here is what he said." And
15 he sent you the text, right?

16 **A. Yes, I believe so.**

17 Q. And then you suggest in your text of
18 8:29, another thought -- other thought. "Maybe we
19 consider the Australian press as well. The UK
20 press may be prone to protect one of their own."

21 Have I read that correctly?

22 **A. Yes.**

23 Q. And that is your suggestion, true?

24 **A. True.**

25 Q. Did you and Mr. Musk discuss that and

JARED JOHN BIRCHALL

September 10, 2019

1 Mr. Musk suggest "Hey, why don't ask you him to go
2 with Australia too, as well as the UK"?

3 **A. I don't recall. I mean, I know we would**
4 **have been discussing important points with regard**
5 **to this, but I don't recall a specific conversation**
6 **about Australian press.**

7 Q. But you wouldn't have had the expertise
8 and background to start talking about "Well, let's
9 give it to the Australian press too." You had
10 never done anything like this before, had you?

11 **A. No.**

12 Q. But Mr. Musk had.

13 **A. Again --**

14 Q. You knew that, didn't you?

15 **A. No. I didn't know that he --**

16 Q. You didn't know that Mr. Musk had any
17 history documented of giving information to the
18 media to try to spin something?

19 **A. No. No.**

20 Q. Why were you thinking about Australia?
21 That was your suggestion, right?

22 **A. Yes, I obviously texted it.**

23 Q. And you cannot deny that Mr. Musk may
24 have had input into the idea of let's talk about
25 Australia too, right?

JARED JOHN BIRCHALL

September 10, 2019

1 **A. He may have, yes.**

2 Q. Do you think it's likely that he did,
3 based on your lack of experience in this area?

4 **A. It's definitely possible. And you asked,**
5 **you know, why.**

6 You know, he had just spent time in
7 Australia, and there were number of stores written
8 about him while he was there. And so I -- again, I
9 don't recall the moment that that spark of idea
10 would have come up or how it did, but it's
11 **possible.**

12 Q. It suggests that he may have very well
13 suggested Australia because he had just been there,
14 and there'd been a lot of press about him, true?

15 MR. SPIRO: Objection; form.
16 Argumentative.

17 BY MR. L. WOOD:

18 Q. Answer my question.

19 **A. It's possible.**

20 Q. Well, sir, it's certainly consistent that
21 he would have potentially suggested Australia,
22 given that he had just been there and had been
23 looking at the press about his trip there?

24 **A. Well, I would have been focused on the**
25 **same things because he would have just been there.**

JARED JOHN BIRCHALL

September 10, 2019

1 So again, I -- could he have been a part of this
2 conversation? It is very possible. I just don't
3 clearly recollect.

4 Q. Can we agree that it would have been one
5 of two things. Either Mr. Musk suggested to you
6 "See if he can get this in Australia," or you came
7 up with the idea "Maybe we can get something done
8 in Australia," true?

9 A. It could have been either of those.

10 Q. But either one -- Mr. Musk would have
11 known that you were suggesting the avenue of also
12 publishing in Australia, true?

13 A. Likely.

14 Q. Why were you focusing the efforts to leak
15 this information initially on the United Kingdom;
16 UK?

17 A. I mean, just that's where he was. That's
18 where we had reason to believe that he was looking
19 for counsel.

20 I mean, that's, you know, what Howard was
21 sharing with us. That's where Howard was based out
22 of. That's where his kind of central focus was, so
23 I think that's what influenced that.

24 Q. Do you think the time zone on that --
25 your email is May 29 at 7:52 p.m. Do you think

JARED JOHN BIRCHALL

September 10, 2019

1 that is Pacific time?

2 **A. Most likely.**

3 Q. And by that time on the 29th, you had
4 knowledge about a letter from a lawyer, dated
5 August 6, representing Mr. Unsworth, because you
6 had received that from Elon Musk on the 29th at
7 3:34 p.m., true?

8 **A. I honestly don't remember.**

9 Q. Exhibit 61.

10 **A. Oh, I'm sorry.**

11 Q. Take a look at Exhibit 61.

12 **A. Oh, yeah, on Exhibit 61.**

13 Q. You'll see where Elon Musk sends that to
14 you at 3:34 p.m., and then at --

15 **A. Yeah, there was speculation that a letter**
16 **was forthcoming, yes.**

17 Q. And then at 8:29 -- on 8/29 at 7:52 p.m.,
18 being later that same day, you make the suggestion
19 about Australia, right?

20 **A. That's right.**

21 Q. Did you have any reason to suspect that
22 Mr. Unsworth might file a lawsuit in Australia?

23 **A. I think that was beyond me to speculate**
24 **that, but I guess he could have filed anywhere.**

25 Q. Now, what were you all -- what were you

JARED JOHN BIRCHALL

September 10, 2019

1 I, PATRICIA Y. SCHULER, a Certified
2 Shorthand Reporter of the State of California, do
3 hereby certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a
8 verbatim record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is a true record of the testimony given.

12 Further, that if the foregoing pertains
13 to the original transcript of a deposition in a
14 Federal Case, before completion of the proceedings,
15 review of the transcript [X] was [] was not
16 requested.

17 I further certify I am neither
18 financially interested in the action nor a relative
19 or employee of any attorney of party to this
20 action.

21 IN WITNESS WHEREOF, I have this date
22 subscribed my name.

23 Dated: September 26th, 2019.

24 *Patricia Y. Schuler*

25 _____
26 PATRICIA Y. SCHULER, CSR NO. 11949

From: James Brickhouse
Sent: Tue 8/28/2018 9:48 AM (GMT-07:00)
To: "Jupiter Private" <info@jupiter-private.com>
Cc:
Bcc:
Subject: Re: Target visit to 10 Downing Street
Attachments: PastedGraphic-600001.tiff; image00200002.jpg; PastedGraphic-600003.tiff; image00200004.jpg

Ok, thank you for this information. We would like you to immediately move forward with 'leaking' this information to the UK press. Obviously must be done very carefully.

The line of thinking at this point is as follows:

- Thailand is the world capital of pedophilia
- This man has frequented Thailand since the 80's - eventually leading to his divorce to his wife in the UK.
- While the guise of cave exploration is creative, there are amazing and extensive caving systems in many places throughout the world - not just in Thailand. Even the most ardent supporter of Thai food doesn't eat Thai food every day.
- He eventually woman 30 years his minor - whom he met while she was a teenager.
- He had been going to Thailand for decades before marrying her. She wasn't the first girl he met - and definitely not the first teenager he interacted with.

Share the facts and as you said, that should be enough for a story.

But we'd like to make this happen immediately.

On Tue, Aug 28, 2018 at 2:48 AM Jupiter Military & Tactical Systems <info@jupiter-private.com> wrote:

Jim,

Please see below the image of the Target's visit to 10 Downing St. I have spoke to David, one of my EP Leads this morning who spent 20+ yrs in the Met Police & the last 10 yrs with the SO1 Royal Protection Group and he reached out to former colleagues too confirm hat all visitors to the the PM's office would go through 'DV' discreet vetting. Principally avoid any embarrassment to the UK Gov. I am certain that the Target would not have had an invitation extended if there was anything on his UK record.

At the event, also attended by the Thai Ambassador Mr Pisanu Suvanajata, Among those attending with their families was John Volanthen, one of the British divers who was part of the team which first discovered theboys. He was also one of the three divers who went out as the initial team and who helped place guides in the cave to assist others in navigation.

Also at the event was Robert Harper, who was part of the team which pinpointed the boys' exact location, and Vernon Unsworth, who first alerted cave divers in the UK to the situation in Thailand.



Kind regards,
James

CEO - Qatar & UAE
Jupiter Military & Tactical Systems
Al Saad – Area 38
Street No. 893, Building No. 7
P.O. Box 22509 Doha
State of Qatar
+44 (0) 7917 401601
info@jupiter-private.com
www.jupiter-private.com

Jupiter Executive Protection
43 Berkeley Square
Mayfair, London
W1J 5FJ
+44 (0) 7917 401601



This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.
This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.









Messages - James

iMessage
8/24/18, 8:14 AM

Jim please call when free. James

8/28/18, 9:55 AM

Jim are you free for a conversation ?

In 10 minutes

Now works

8/28/18, 3:20 PM

Jim, in order to proceed as discussed I will need some additional funds. I am close to the limit of the 20k USD for the stage 1 of the investigation which is still ongoing.

I will work with a very old friend Michael Smith who has a credible background and would be the right buffer to ensure there is zero cross contamination. I am sure you appreciate this has to be dealt with in a very sensitive way.

[https://en.m.wikipedia.org/wiki/Michael_Smith_\(newspaper_reporter\)](https://en.m.wikipedia.org/wiki/Michael_Smith_(newspaper_reporter))

Can you authorise a further 12k USD to expedite the second stages of the project as discussed.

Please advise. James

Yes, we can get it sent out first thing tomorrow. What is the timeline?

Jim timeline is ASAP I am meeting Mike at 0800 GMT to begin the process. It has to appear organic & not contrived.

Priority is to divert the story away from the principal and let the UK tabloids develop there story.

Great

8/28/18, 10:27 PM

Would be ideal to have more than one publisher receive the info. I trust you are likely already doing this.

100 %

Plan is to reach out indirectly to 3/4 different newspapers & print & online.



Page 1 of 18

Exhibit 2, Page 44

MUSK_000199

Messages - James

Sounds good. Hopefully soon.

This will begin in 90 mins & then be pushed out today. The difficulties will be getting the editors to ok that line of enquiry & for them to feel this is a better story than the principles activities.

Ok

It's hit & miss, the Sunday Papers may be the best bet. Timing is good as not much else of any significance is happening right now

I'll call them update you this evening

Ok

A big part of this is the willingness to recognize the fact that Thailand is the capital of pedophilia. Among many other notables who have been caught is the Subway sandwich spokesman Jared. I'm sure there are others. Could even be part of the story: <https://www.hollywoodreporter.com/news/jared-fogle-tapes-subway-pitchman-835552>

Most in the world - especially in the US- don't understand this fact and Thailand goes to great lengths to keep it quiet. I'm told people regularly disappear when found exposing the 'land of smiles'. In the end, anything that uncovers a disgusting ongoing practice that just might protect some children is worth it. So it could easily be spun as: The possible explanation of Elon's accusation. The sad/real truth behind Thailand and ex pats.

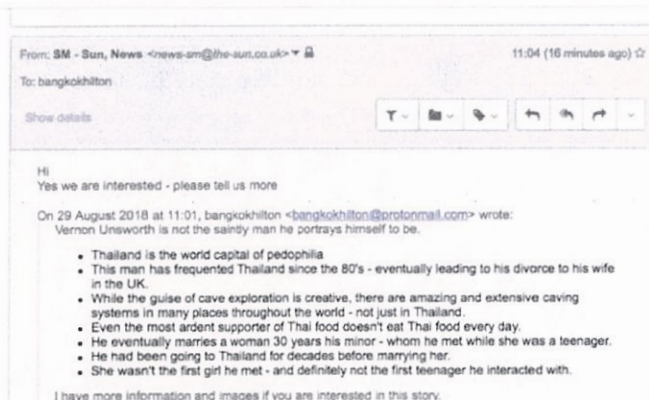
Agreed & will be spun in

Unfortunately there is a lot of truth in that story - the UK readers are already familiar with Thailand & it's culture to welcome & protect sex tourist. We call it 'Yellow Fever' where older men leave their wives for a young Thai friend.

8/29/18, 3:25 AM

Messages - James

(8) Thailand Brit Divers Untold Story



Jim example of what we are doing with all the daily newspapers and Sunday papers

Jim have you seen this

<http://www.dailymail.co.uk/news/article-6108365/Elon-Musk-doubles-pedo-guy-claim-British-diver.html>

8/29/18, 6:27 AM

<http://www.dailymail.co.uk/news/article-6110117/British-cave-divers-mother-insists-son-taking-legal-action-against-Elon-Musk.html>

So nothing out yet has your info?

Are you up and free to speak ?

In about 45 minutes

Processing very very well

Messages - James



Daily Mail are now interested though Mick Smith. Thats the paper that will have the biggest impact

Ok, good

8/29/18, 10:51 AM

The principle is big UK news this evening

yes

8/29/18, 12:37 PM

wire was sent

Please let me know when you have word of a story with your narrative being published.

8/29/18, 7:52 PM

Other thought, maybe we consider the Australian press as well. The UK press may be prone to protect one of their own.

Part of the narrative here needs to be the extreme level of darkness that most don't know exists. The movies show some quirky and bizarre stuff - but the extreme depths of horrific sex trafficking that actually occurs is mostly hidden.

Ok

Messages - James

Also, while I've obviously pushed for immediate results, I also realize this may need to be a lengthy investigation. So let's continue forward with that in mind as well. Any additional expertise and resources, creative measures and strategies should be explored.

8/29/18, 10:12 PM

Jim all understood

Target is in the UK until Nov 5th when he will return to Chiang Rai for a family party.

He's now Living with his mother in Braintree, Essex. Clearly he will be using this time to mount his legal response - I have images of the home & work addresses in Thailand.

Target has been telling locals how much money the Principle is going to have to pay him etc so he's shown his hand & motivation

Ok

When you say work addresses, what work addresses?

And did he recently go back to the UK? The story isn't as compelling if he's actually living in the UK.

His wife & Vernon have an office above his wives mothers shop. I'll send over an email with all this info later this morning

It would be good to verify when (if) he actually engaged council. Is that letter that was posted on twitter legitimate? or post dated?

I will look into that

<https://twitter.com/rmac18/status/1034817540495564801?s=12>

He arrived back in London 2 days ago specifically to meet with the UK Cave Council who are concerned at the PR fall out & to peruse his libel claim. 5 week visit to the UK - he's domiciles in Thailand

Just heard from the team on the ground that we have quite a lot of info coming in this morning & I will keep you updated

How are we getting that info about the UK cave council? And related PR concerns?

Messages - James

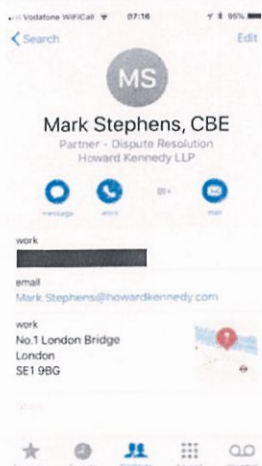
Bill Whitehouse MBE
Vice chairman
British Cave Rescue Council
Reg. charity no. [1137252](#)

01298.871661

I have spoken to Bill Whitehouse as a rep of the UK Charity interested in the target as an ambassador

Reached out from one charity to another to ask about possible skeletons in the cupboard & he let slip that this negative press was diluting the rescue story

The Thai Gov will also be watching this develop with interest



Mark Stephens is a punchy UK media lawyer

I can only advise the family office to have a preliminary conversation with Kieth Oliver of Peters & Peters

Stephens will be the UK legal adviser to the target

Messages - James

Confirmed that he has been retained by unsworth?

No

But I can find out

Later this morning

I know another partner at the law firm

Can make a social call & make a soft enquiry

Who is heading up the legal response from your side

We are solidifying that now

8/30/18, 12:01 AM

Interesting, looks like he retained a lawyer in the US, Georgia based L. Lin Wood.

Yes

But using a prominent UK to manage the target. You need to counter punch with a UK heavyweight

I'm happy to reach out to Keith if you wish me to see if he has the appetite. In the UK the damages for libel would be about 100-125k given his low income & minimal damage as he had no reputation to speak of. In the USA it's a different calculation! As you know damages can be ridiculous

So you believe he'll file suit in both the US and the UK

No I think he'll only file in the USA

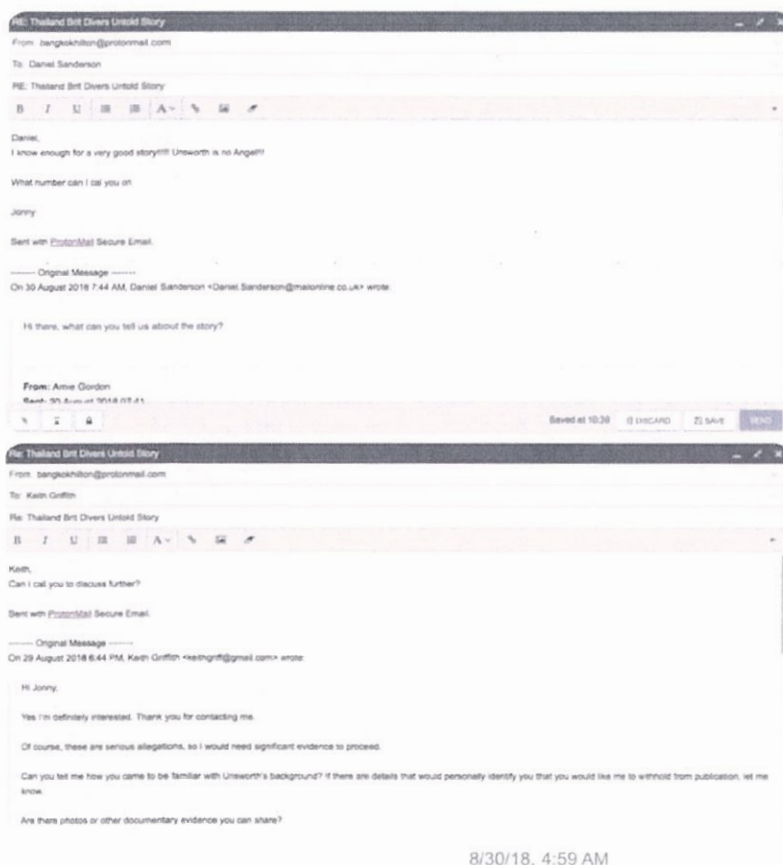
I will no more later

He's going to be under pressure now from the cave diving community & the UK press. I will keep the pressure on all day as discussed

8/30/18, 2:42 AM

Page 7 of 18

Messages - James



We are also looking into his diving qualifications? Checking to see if they are in date? Just thinking outside of the box. Although he was a volunteer it wouldn't look good for the Thai authorities if something was out of date etc.

Have lots of images for you, do you use WhatsApp ?

No, but will set up shortly and circle back to let you know.

Apologies

8/30/18, 7:11 AM

Sent you an email asking for a comprehensive report to date. Do you have one?

Jim just replied - in short I can put everything together to date for you.
Can you call when free

8/30/18, 11:11 AM

Messages - James

I'll call in 3 minutes

8/30/18, 1:24 PM

Jim I think there would be a lot of value in speaking with Keith Oliver. You can have some options with superinjunctions which are popular in the UK and could dissuade and tie up the target. Happy to make an intro, it's another avenue that should be explored. Rgds James

Ok, I'll circle back on that today.

Might be an easy way to silence Unsworth in advance of any law suit & put a lot of pressure on him

Just confirming we are also exploring Australian and other international press that have unmasked these issues in the past?

Affirmative

I am spending all my time educating journalists

Carrot & stick

<http://center4girls.org/human-trafficking-in-thailand-chiang-rai-province>

<https://www.straitstimes.com/asia/se-asia/idyllic-thai-province-hides-a-dirty-secret>

Thank you for the information.

8/30/18, 11:03 PM

Any further instructions

Any news on media?

Too early for that

Richard in Bangkok is following up the Australian media

Ok

Just need to make sure the team in Thailand keeps digging. Creatively, extensively and when possible, aggressively.

Messages - James

Of course. But bear in mind I am the only link on the chain who knows who the beneficiary is. The Thai team & Richard all believe that this effort is for a children's charity in the UK. They are all professionals who will give 100%. I'm met with a partner of Howard Kennedy last night who confirmed that Unsworth has been to the London office for meetings. I suspect he's co-ordinating all this through a London law firm so they can manage the London newspapers. Please have a think about lawyering up in London. It won't have a cost to have a conversation and get an opinion and at least have someone ready to ascot quickly. In the UK it's about reaction times and skill. Allot can be done in the UK to protect Elon with superinjunctions to stop the other side from speaking to the press if that might damage 3rd party shareholders. You maybe served in the usa but I think Unsworth will want this managed by a UK firm. Happy to assist, please advise. Rgds James

8/31/18, 8:55 AM



Keith Oliver.vcf

8/31/18, 1:00 PM

Jim do you have a secure Dropbox or equivalent I can use?

9/1/18, 12:14 AM

Let's discuss in the morning.

Sure the report is large so wanted to send in this format. Any instructions from the principal?

I'm proceeding with the UK surveillance as discussed

9/1/18, 8:32 AM

Jim update sent to you

Received, thank you.

9/1/18, 10:36 AM

Jim would you like to chat through the report ?

9/1/18, 12:41 PM

Does in an hour or two work?

Jim call anytime

Page 10 of 18

Messages - James

9/2/18, 9:18 AM

Jim I have an update for you. Please call when free

9/2/18, 12:39 PM

Jim did you have time to think about a conversation with Keith Oliver to chat over options exchange NDA's etc.... I still believe that there is massive benefit in doing this for Elon.

9/3/18, 7:17 AM

Target meeting Mark Stephens today at 1600 to put libel plan into place. Confirmed the UK office of Howard Kennedy will run the libel action through Mark Stephens

Meeting is scheduled for 2hrs

9/3/18, 9:13 AM

We will bin spin him tonight and again after he has left the UK back to Thailand

Very happy demeanour



9/3/18, 11:23 AM

Messages - James

Jim I have deployed x3 investigators to Pattaya and I still believe there is value in the UK surveillance. My plan is to wait for the Pattaya evidence then package it up for the x2 journalist in Australia & x 2 in the UK who want to run this story in both daily and Sunday papers.

Pattaya will take some time probably 7 days. There is a mountain of work to do there. I have used the 20k USD for the original investigation, in Thailand, the other 12k has gone into journalist development, which we are holding back on until we have the smoking gun.

Can you authorise a further 20k USD ? This is to cover the UK surveillance and Pattaya investigation. James

Yes, I am hopeful that will get us where we need to be.

Can send tomorrow morning. Today is a US bank holiday.

Understood we will proceed as discussed

9/4/18, 9:49 AM

Jim, could you call when free. Have an update for you

I just tried calling. Please call back.

Just confirming the funds were sent on our end.

Rgr that

Can you confirm the hotel names in Pattaya? And you said 2 of them are considered standard destinations for expats with bad intentions, correct?

Correct

Penthouse Hotel x stays

Dusit Thani - 4 week stay

Penthouse hotel is purely designed for sex

All of the hotels he stayed at & the apartment he used in 2009 are within 100m of the red light area called 'walking st'

What other purpose could there be for using a hotel with lap dancing poles in the rooms?

Messages - James



9/4/18, 11:56 AM

Jim, our goal is to get evidence from the penthouse which is obviously a big win. I'll keep you updated.

I've text Keith Oliver to give him the gypsies warning about your phone call

Jim was that enough information?

yes, thank you

Did you have any legal clarity from Keith ? I believe he could be a massive help in finding the path of least resistance. Rgds James

I called and left him a voicemail. He didn't pick up.

9/4/18, 2:28 PM

<https://www.buzzfeednews.com/article/ryanmac/elon-musk-thai-cave-rescuer-accusations-buzzfeed-email>

Please call ASAP!

1 min

Ok, thanks

Back at home

9/4/18, 5:23 PM

So no summary?

Messages - James

9/4/18, 11:00 PM

Was sent last night

9/5/18, 8:01 AM

Sorry, I can't talk right now.

Just taking off on a plane. Will be in the air for about an hour.

Rgr

9/5/18, 9:07 AM

The recent article says his girlfriend is 40.

Yes we are checking with the investigating team, mother said 30

Are you free

Just landed and need to get off the plane

9/5/18, 10:21 AM

To reiterate, documented verifiable evidence is super critical.

Jim all understood, we are retracing our footsteps to ensure accuracy. I understand your position. I am concerned & don't want to risk exposing our sources if the principle is likely to publish them. I have requested the info you need. I have relayed your timings request & I hope you have what you have asked for this time tomorrow 1800 GMT

Please rest assured our intent is not to expose sources or any direct information that we shouldn't have. We understand the sensitive nature of the work.

Understood but I want to get this right and I don't like or accept mistakes. I have run EP & investigations for George Soros and Paul Allen since 2005 so I know the pressure you are all under.

No Good Deed Goes Unpunished

9/6/18, 9:02 AM

Jim all uk embassy staff our at the Thai celebration & I am waiting for a report from Richard in Bangkok. I am also waiting for verification on the age of 'Tik'. I will update you as soon as I have an update.

ok, thank you

9/6/18, 12:13 PM

Page 14 of 18

Messages - James

Have we check their social media accounts for history and age info?

Jim, yes Tik's Facebook account which is the only social media she has does not list her age

Ok, is it public or private? And he doesn't have one?

We are not looking at Vernon's age as we have that and yes he's has an Instagram and Facebook acc. Both are private but our female investigator who has befriended the mother in on Tik's Facebook acc

Ok, got it.

Did one of the guys end up going to the celebration?

Yes Richard is there to try and get close to the target to see if he can overhear any conversations

ok, sounds good

Jim please be assured everyone is going the extra mile on this. I appreciate the pressure you are under. I also want to deliver. I'll be up for another 6-8 hrs

Ok, thank you. Based on developments in Pattaya, do you believe we will be successful in gathering any data from the Hotels? Or are they more prone to stonewall?

Jim, honestly this is a hot topic in Thailand. The story is on all the TV channels. Right now it's like juggling lite sticks of dynamite. The most recent comments have made the investigation much more difficult. But yes I think we will be able to show that he was a man who lived in the pattern of a sex tourist but we need irrefutable proof before you sure that please.

share

Of course. Agreed.

are we making any progress on verification of birth date?

I've dispatched the Thai investigator back to Chiang Rai to obtain a driving license or birth certificate or national ID. This should not be difficult to obtain. As soon as she has a copy I will send this to you

Ok, great

9/9/18, 9:17 AM

Messages - James

Jim will call you later to provide an update.

9/10/18, 6:23 AM

Jim, I will call you at 0900 LA time. Op has picked up again after I have had a full debrief and we have agreed the strategy moving forward. It's probably a good thing that dust has settled a little bit.

9/10/18, 9:59 AM

Jim are you free ?

Yes

9/12/18, 9:45 AM

What's the latest?

Jim sent you an email. I will update you a little later on & call.

Jim I'm in a bad signal area. I'll call you back when I've moved.

ok. I was going to mention that someone sent what appears to be her birth record confirming she's 40. Very unfortunate to have had that wrong, but appears to be the case. But as you know this is only part of the equation. It seems near impossible that this guy has walked in the circles that he has, spent as much time there as he has and hasn't left some trail of his devious behavior. We must find that trail.

Agree with that

It would make sense about the birth certificate as we where told some else had applied for a copy. Seems an incredible mistake to make but perhaps the mother was just plain confused. At the end of the day the buck stops with me and I take full responsibility. As you say I still believe there is value in tracing his footsteps in Pattaya. We have plenty of budget left & with this mistake I won't be asking for funding. I don't what else to say, Jim. If we can get smoking gun that will go in some part to restore credibility.

Agreed

9/18/18, 9:42 AM

Jim please call when free

Jim what time is good to call ?

Anytime

Page 16 of 18

Messages - James

Jim we are having a wash up. The answer to your question about when Unsworth first came to Thailand was we believe 29yrs ago in the late 80's. What is the latest from the law suit in the USA. Has this also been served in London ? Have you spoken to Keith & taken advice? James

9/19/18, 8:10 AM

Jim I'm available to speak. My reception is not great so if you can't get through text me and I will move to a better place

9/20/18, 8:15 AM

Jim just to confirm the information that Unsworth has been coming to Thailand for more than 2 decades came from his wife who befriended our female investigator. They are also getting hard evidence from Thai government channels of this. She was very clear that Unsworth regularly traveled to the Thai / Malaysia border to explore other cave networks many years before they met. I have asked for that evidence to support our end regardless of costs.

9/20/18, 10:45 AM

Jim please bear with me it's Thailand and nothing happened quickly but the goods will come. I am very confident of that. I know it's slow but we are working in a 3rd world country and everything is analogue. I'm back up in Bangkok & will report back to you when we have what you need. James

You've made some pretty specific claims that contradict his legal filing. But at this point we have nothing to confirm any of them. We need something, anything that can support your claims.

Noted Jim and this is what has been reported to me so I am doing as you asked which is provide supporting evidence.

9/23/18, 8:55 AM

Jim we believe we will have the evidence you require to dispute his travel claims this time tomorrow. Regards James

9/24/18, 12:01 PM

Ok where is it?

Jim it's coming to me. It's Thailand. It will materialise!! I'm not leaving to the UK until this is finished

10/2/18, 7:21 PM

Messages - James

James - go back and review the information you've provided aside from the initial info. You've just about given us nothing. And you have given exactly nothing verified.

Read 10/2/18

10/2/18, 11:03 PM

Will do so. We have given you all that we have found. Which to date is not allot apart from what I have sent. I'm travelling to France to bury my step-father & will be back in Bangkok this Friday. I put all the info we have in a spreadsheet and then relate the source & what has been verified & what we are not able to to confirm.

Page 18 of 18

EXHIBIT 3

Unsworth, Vernon v. Musk, Elon

Page 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VERNON UNSWORTH,

Plaintiff,

vs.

ELON MUSK,

Defendant.

No. 2:18-cv-08048-SVW (JC)

VIDEOTAPED DEPOSITION OF SAMUEL W. TELLER

Los Angeles, California

Monday, September 30, 2019

Volume I

Reported by:

NADIA NEWHART

CSR No. 8714

1 Q So Mr. Musk, during the time period of June
2 to September of 2018, just based on this chart of
3 litigation alone, there had to be under a number of
4 litigation hold orders or demands; would you agree?

5 MR. SPIRO: Objection.

6 If you know.

7 THE WITNESS: I would imagine, yeah.

8 BY MR. WOOD:

9 Q Do you know what a litigation hold is?

10 A I do.

11 Q Where you're supposed to preserve all
12 possibly relevant information?

13 A Absolutely.

14 Q And he's got a lot of things going on where
15 he would likely have been told that he was subject
16 to a litigation hold, don't you believe?

17 A I agree that it's likely, but I don't know
18 what he was told.

19 Q Was his cell phone, to your knowledge,
20 provided by one of the companies, or did he pay for
21 it himself?

22 A I actually don't know.

23 Q Do you know whether he backed it up in order
24 to comply with litigation holds?

25 A I know that -- or I -- I have no reason to

1 believe that he didn't comply with any litigation
2 holds.

3 Q Do you know, in fact, whether his cell phone
4 is the information contained on it -- strike that.

5 Do you know that he periodically says that he
6 destroys his cell phone?

7 MR. SPIRO: Objection to form.

8 THE WITNESS: No.

9 BY MR. WOOD:

10 Q Have you ever known him to destroy a cell
11 phone?

12 A No.

13 Q Does he change periodically to different cell
14 phones, or is it your recollection that Elon had a
15 cell phone and unless he bought an upgrade Apple, so
16 to speak, he kept his cell phone?

17 A No. It would be the latter, unless
18 there's -- unless he's upgraded or broke his phone,
19 he wouldn't change his phone just for another
20 reason.

21 Q So, for example, you -- you would believe
22 that if I wanted to ask him about information on his
23 cell phone from July, August, September of 2018,
24 that he would still have that cell phone to be able
25 to search to provide me with the information, from

1 your observation?

2 MR. SPIRO: Objection to form.

3 MR. WOOD: I'm not through with it. Let me
4 ask my question.

5 MR. SPIRO: Objection to form now.

6 MR. WOOD: I'm not through, but I'm going to
7 go back and restate it so we have a clean record,
8 because these are important issues.

9 Q You would believe, from your observations and
10 how you understood Mr. Musk's handling of his cell
11 phone that if I were to ask Mr. Musk to provide me
12 information from his cell phone as to calls or texts
13 or e-mails, that he would still have that same cell
14 phone to be able to search it to provide me with the
15 requested information, true?

16 MR. SPIRO: Objection as to form.

17 You can answer if you can answer.

18 THE WITNESS: I have no reason to believe
19 that he wouldn't, but you would have to ask him.

20 BY MR. WOOD:

21 Q Okay. Well, I did. That's why I asked you
22 about this idea that he periodically would discard
23 his cell phone and get a new one. You've never
24 heard of that before, have you?

25 A I have not heard of that, but you would have

1 to ask him about what --

2 Q Oh, I did. I'm asking you now. You never
3 heard -- you're not aware of Mr. Musk ever
4 periodically discarding his cell phone to get a new
5 one, true?

6 MR. SPIRO: Objection as to form. I think
7 the witness was also trying to still answer when you
8 started asking your next question, but I'm making
9 that objection just for the record.

10 And if you can answer that, please answer.

11 THE WITNESS: Sorry. Can you restate the
12 question.

13 BY MR. WOOD:

14 Q Yeah. Sure. You're not aware of Mr. Musk
15 having a routine where he would periodically discard
16 his cell phone and replace it with another cell
17 phone, true?

18 A I am not aware of any such routine.

19 Q Do you believe, as his chief of staff, that
20 you would know if he switched cell phones?

21 MR. SPIRO: Objection as to form.

22 THE WITNESS: I might or I might not. I'm
23 not involved in every detail of his life.

24 BY MR. WOOD:

25 Q Do you have yourself any knowledge of

1 Mr. Musk ever discarding, in the last year and a
2 half, his cell phone to get a new cell phone?

3 A Can you be more precise with the word
4 "discarding"? Do you mean literally discarding? I
5 don't understand.

6 Q I -- I can go back. I can go back, and I can
7 tell you exactly what he said. I came away with the
8 impression that he physically destroyed one, but I
9 can be wrong about that. So I'm using discard in
10 the sense of, you know, this one's gone, you know --
11 have you ever changed your phone?

12 A Yeah, but --

13 Q Yeah, you put it in the drawer, and you clean
14 it out five years later you find -- find an iPhone 2
15 or something.

16 I'm not asking you about whether he
17 physically destroyed it or whether he stuck it in a
18 drawer. I'm just asking you whether you have any
19 personal knowledge yourself over the last year and a
20 half, let's say since June of 2018, of Mr. Musk
21 actually physically replacing one cell phone for
22 another.

23 A I -- I don't have a specific recollection of
24 him doing so, yeah.

25 Q Would you -- but you were -- but you were

1 aware of the extent of the litigation that he was
2 involved in during that time period, true?

3 A I was.

4 Q And I think you would tell me, based on
5 your knowledge -- knowledge as his chief of staff,
6 that if for some reason he were to discard his cell
7 phone, that -- if for no other reason than the
8 litigation holds, that that cell phone would be
9 backed up so that the information would not be lost
10 or destroyed, true?

11 MR. SPIRO: Objection to form.

12 THE WITNESS: Sorry. It was -- the question
13 is a little convoluted, but --

14 BY MR. WOOD:

15 Q I'll go back and try to restate it.

16 A Yeah, yeah.

17 Q Based on your knowledge as his chief of
18 staff, if for some reason he were to discard one
19 cell phone to replace with another, the information
20 in his cell phone is at all times backed up so that
21 it is not lost or destroyed, true?

22 MR. SPIRO: Same objection.

23 THE WITNESS: I imagine so, but you would
24 have to ask him. I don't --

25 BY MR. WOOD:

Unsworth, Vernon v. Musk, Elon

Page 37

1 Q He told me that he thought it was backed up
2 on iCloud.

3 MR. SPIRO: Objection to form.

4 BY MR. WOOD:

5 Q Do you know?

6 A I don't know, no.

7 Q But he did a lot of texting, didn't he?

8 MR. SPIRO: Objection to form.

9 THE WITNESS: I don't know.

10 BY MR. WOOD:

11 Q He frequently texted from his cell phone, did
12 he not, sir?

13 A I only know the texts that he sent to me.

14 Q How would you describe his texts to you? Was
15 it the main way he communicated, or was it secondary
16 to e-mails? You tell me.

17 A I would describe it as secondary to e-mails.

18 Q Was it frequent, his text messages?

19 A Yeah. I mean, I would say it was frequent,
20 but not constant. It was less frequent than e-mail.

21 Q Well, constant would have caused you to
22 retire or take a leave of absence four and a half
23 years ago. I don't mean constant.

24 He regularly -- Mr. Musk regularly
25 communicated with you in June to September of 2018

Unsworth, Vernon v. Musk, Elon

Page 342

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing transcript is
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [] was not requested.

16 I further certify that I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date subscribed
20 my name.

21
22
23
24 <%signature%>

NADIA NEWHART

25 CSR NO. 8714

EXHIBIT 4



Home Moments Notif

Am considering taking Tesla private at \$420. Funding secured.

9:48 AM - 7 Aug 2018

15,326 Retweets 85,529 Likes



6.1K 15K 86K



Tweet your reply

Elon Musk @elonmusk · 7 Aug 2018

Shareholders could either to sell at 420 or hold shares & go private

1.3K 2.1K 19K



Gali @Gfilche · 7 Aug 2018

Replying to @elonmusk

Noooooo!!!! Still processing what this means, but would be sad to see all the investors who've been w/ \$TSLA miss out on the upside over the next few years. Although if this helps the mission & Elon thinks it's smart, I understand and fully support

62 36 1.1K

EXHIBIT 5

Home Moments Notif



Elon Musk @elonmusk · 26 Oct 2018

On Insta, 10% of followers like even lame posts. On Twitter, good posts get 1%.

72 85 2.2K



James Patten @yames51 · 26 Oct 2018

How about that one that cost you 20M, how was the 'like' ratio on that one?

8 15 165



Elon Musk

@elonmusk

Follow

Replying to @yames51 @DigitalDunzey

Worth it

7:38 PM - 26 Oct 2018

251 Retweets 3,106 Likes



85 251 3.1K



Tweet your reply



Patrick Knowles @pjj_knowles · 26 Oct 2018

Replying to @elonmusk @yames51 @DigitalDunzey

Elon Musk

@elonmusk

Joined June 2009